APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,011	09/11/2003	Adrian James Preston	GB920010070US1	5928

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EXAMINER
SCHELL, JOSEPH O

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/660,011	PRESTON ET AL.
	Examiner	**Art Unit**	
	Joseph Schell	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 September 2003_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-17_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _11 September 2003_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Claims 1-17 have been examined.

Claims 1-17 have been rejected.

Drawings

1.   Figures 1, 2A, 2B, and 3 should be designated by a legend such as --Prior Art--

because only that which is old is illustrated. See MPEP § 608.02(g). Corrected

drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action

to avoid abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Claim Objections

2.   In line 3 of claims 1 and 9, the application program should either be given its own

line and indented as an element of the claim or the colon preceding it removed to make

it part of the preamble.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is directed to a computer program and is not limited to a tangible, material embodiment of the computer program.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-6, 8-14 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gustavsson (US Patent 6,804,796).

5.   As per claim 1, Gustavsson ('796) discloses a system for recording for reuse, at least one test event and at least one associated response, said system comprising:

an application program for testing at least one function of a component to be tested (column 3 lines 26-32):

a communication protocol for sending by said application program (column 3

lines 56-62), said at least one test event to said component and receiving from said

component, said at least one associated response (column 2 lines 26-3);

storage for storing by a tracer, said at least one test event and said at least one

associated response, in a trace file (column 3 lines 40-42);

an analyser for analysing said trace file (column 3 lines 45-46, the verification);

an extractor for extracting at least one minimum set of test events from said trace

file, wherein said at least one minimum set generates said at least one associated

response (column 3 lines 49-52, and column 3 lines 41-45 the input and output data is

recorded for use in later verifications); and

said storage being further adapted to store said at least one minimum set and

said at least one associated response (column 7 lines 47-54).

6.   As per claim 2, Gustavsson ('796) discloses a system as claimed in claim 1, in

which said analyser comprises means for determining whether said trace file is empty

(column 5 lines 63-67, if a trace file is empty no pre-recorded input and output data will

be retrieved, which would effectively stop the system in its tracks as everything depends

on using that expected data).

7.   As per claim 3, Gustavsson ('796) discloses a system as claimed in claim 1, in

which said analyser comprises means for parsing said at least one test event (column

10 lines 5-12).

8.   As per claim 4, Gustavsson ('796) discloses a system as claimed in claim 1, in

which said analyser comprises means for creating at least one reusable program

comprising said at least one minimum set and said at least one associated response

(column 3 lines 49-55, the new output data is saved for subsequent system

verifications).

9.   As per claim 5, Gustavsson ('796) discloses a system as claimed in claim 4, in

which said analyser comprises means for adding said at least one reusable program to

said storage (column 3 lines 49-55).

10.   As per claim 6, Gustavsson ('796) discloses a system as claimed in claim 1, in

which two or more reusable programs share said at least one test event (column 11

lines 3-6, test events are sets of program input, and a shared test event would be a

shared input; because a program is a set of input and pre-recorded output, the ability of

a user to manually determine whether test results are acceptable implies that multiple

acceptable outputs (both expected and unexpected) exist. These multiple outputs are

multiple programs that share a common input event).

11.   As per claim 8, Gustavsson ('796) discloses a system as claimed in claim 1, in

which said component to be tested is at least one of a hardware component or a

software component (see beginning of abstract, the system verifies a software-based

unit).

12.   As per claims 9-14 and 16, these are method versions of respective system

claims 1-6 and 8 and are respectively rejected on the same grounds as claims 1-6 and

8.

13.   As per claim 17, Gustavsson ('796) discloses a computer program comprising

program code means adapted to perform all the steps of claim 9 when said program is

run on a computer (column 3 lines 26-32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gustavsson ('796).

14.   As per claim 7, Gustavsson ('796) discloses the system as claimed in claim 6.

Gustavsson ('796) discloses the system wherein a user can manually decide whether a given output is acceptable (column 11 lines 3-6).

Gustavsson ('796) does not expressly disclose the system in which if said shared at least one test event generates two or more associated responses, said system further comprises means for invoking a rule for logging one of said two or more reusable programs.

At the time of invention it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Gustavsson ('796) such that outputs that are determined by a user to be acceptable are then saved with their associated inputs. This modification would have been obvious because waiting for user IO is a source of system slow-down (see column 1 lines 51-58), which would make the automatic mode execute faster than semi-automatic mode (as described in column 10 line 63 through column 11 line 6). Additionally, reproduced data sets are saved for future tests (column 1 line 67 through column 2 line 3). Saving the user-validated outputs would allow for the future use of these tests to be done automatically, saving personnel time.

15.   As per claim 15, this is a method version of claim 7 and is rejected on the same grounds as claim 7.

Conclusion

The prior art made of record on accompanying PTO 892 form and not relied upon is

considered pertinent to applicant's disclosure. Specifically, Haswell ('546) teaches

system testing by feeding preset inputs into a system and comparing system outputs

with expected outputs, Moore ('454) teaches a system that transmits a location for a file

generation script to a server and validates the server based on the file generated and

sent, Lee ('337) teaches system testing using preset audio inputs and graphical

outputs, Hines ('893), Ottensooser ('856), and Lake ('663) teach systems that send

predetermined test scripts and use the received output for failure determination,

Kennedy ('017), Enokido ('835), and Jamiro ('098) teach systems that use a set of input

test cases and the output results are compared to an expected set, and Gillenwater

('148) teaches a smart testing system that keeps track of test effectiveness and uses

test cases that have been used most often first.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph Schell whose telephone number is (571) 272-

8186. The examiner can normally be reached on Monday through Friday 9AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER